CLAIMS PENDING AFTER AMENDMENT

48. (Amended) A method of conferring resistance to pathogenic fungi on a plant, the method comprising the steps of:

transforming a plant cell with an expression vector, wherein said expression vector comprises:

an expression cassette comprising a first plant promoter induced by stress operably linked to a DNA sequence encoding sarcotoxin 1a; and

a second plant promoter which is constitutively expressed and positioned adjacent to the first plant promoter, and

regenerating the transformed plant cell into a transgenic plant wherein the transgenic plant has enhanced resistance to pathogenic fungi as compared to a corresponding untransformed plant.

49. (Amended) The method according to claim 48, wherein the pathogenic fungi are *Rhizoctonia solani, Pythium aphanidermatum,* and *Phytophthora infestans*.

52. (Amended) The method according to claim 48, wherein said expression vector further comprises a drug resistance gene operably linked to the second plant promoter.

53. (Amended) The method according to claim 48, wherein a plant gene is fused to the DNA sequence encoding sarcotoxin 1a via the hinge region of a tobacco chitinase gene.

54. (Amended) The method according to claim 48, wherein a DNA sequence encoding a signal peptide from a plant gene is fused to and positioned between the first plant promoter and the DNA sequence encoding sarcotoxin 1a.

55. The method according to claim 48, wherein the promoter induced by stress is the promoter of the tobacco PR-1a gene.

56. (Amended) The method according to claim 52, wherein the expression cassette further comprises the terminator of the tobacco PR-1a gene operably linked downstream of the DNA sequence encoding sarcotoxin 1a.

57. The method according to claim 48, wherein the second plant promoter is the cauliflower mosaic virus 35S promoter.

58. (Amended) A transgenic plant which is resistant to pathogenic fungi, the plant comprising an expression vector, wherein the expression vector comprises:

i) a first expression cassette comprising a DNA sequence encoding sarcotoxin 1a operably linked to a promoter induced by stress; and

ii) a second expression cassette comprising a drug resistance gene operably linked to a constitutively expressed promoter,

wherein the first and second expression cassettes are positioned adjacent to each other, and wherein the transgenic plant has enhanced resistance to pathogenic fungi as compared to a corresponding untransformed plant.

59. The plant according to claim 58, wherein the pathogenic fungi are *Rhizoctonia solani*, *Pythium aphanidermatum*, and *Phytophthora infestans.*

62. (Amended) The plant according to claim 58, wherein a plant gene is fused to the DNA sequence encoding sarcotoxin 1a via the hinge region of a tobacco chitinase gene.

63. (Amended) The plant according to claim 58, wherein a DNA sequence encoding a signal peptide from a plant gene is fused to and positioned between the plant promoter and the DNA sequence encoding sarcotoxin 1a in the first expression cassette.

64. The plant according to claim 58, wherein the promoter induced by stress is the promoter of the tobacco PR-1a gene.

65. (Amended) The plant according to claim 58, wherein the first expression cassette further comprises the terminator of the tobacco PR-1a gene operably linked downstream of the DNA sequence encoding sarcotoxin 1a.

66. The plant according to claim 58, wherein the constitutively expressed promoter is the cauliflower mosaic virus 35S promoter.

67. (Amended) The plant according to claim 58, wherein the expression vector further comprises a T-DNA region.